

AMENDED IN SENATE SEPTEMBER 8, 1999

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN SENATE AUGUST 18, 1999

AMENDED IN SENATE JULY 13, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

No. 1474

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Introduced by ~~Committee on Agriculture (Cardoza (Chair),  
Florez, House, Reyes, Thomson, and Wiggins)~~ Assembly  
Member Cardoza  
(Principal coauthors: Assembly Members Machado,  
Strom-Martin, and Torlakson)

February 26, 1999

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~~An act to amend Section 36101 of, to add Section 36011.5 to,~~  
*An act to add Section 10781.1 to the Revenue and Taxation  
Code, and to add Section 9104.5 to, and to add and repeal  
Section 35401.7 of, the Vehicle Code, relating to vehicles.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1474, as amended, ~~Committee on Agriculture~~  
*Cardoza. Vehicles: license fees and taxes: highway access  
limits: exception: registration: exemption: stack retrievers.*

(1) *Existing law imposes a vehicle license fee each year for  
the registration or renewal of registration of a vehicle and  
imposes other weight and registration fees on vehicles subject  
to registration under the Vehicle Code.*

*This bill would exempt from these fees, except vehicle registration fees, vehicles owned by a federally recognized Indian tribe if the vehicle is used exclusively within the boundaries of lands under the jurisdiction of the tribe, including the incidental use of that vehicle on highways within those boundaries.*

(2) Existing law authorizes the establishment of limited highway access to terminals or services by the Department of Transportation and cities and counties.

This bill would exempt from established limitations of access, licensed carriers of livestock when engaged in certain activities under specified conditions and on specified portions of State Highway Route 101 that are necessary and incidental to the shipment of livestock. This exemption would be repealed on January 1, 2002.

The bill would require the Department of the California Highway Patrol, in consultation with the Department of Transportation, to conduct a study of the effect that this exemption has on public safety and report the findings of the study to the Legislature on or before July 1, 2001.

~~(2) Existing law exempts specified farm vehicles from vehicle registration requirements under prescribed conditions.~~

~~This bill would include in the exemption stack retrievers, as defined, used in agricultural operations for specified purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1   SECTION 1. *Section 10781.1 is added to the Revenue*  
2   *and Taxation Code, to read:*  
3   *10781.1. The license fee imposed by this part does not*  
4   *apply to any vehicle that is owned by a federally*  
5   *recognized Indian tribe, if the vehicle is used exclusively*  
6   *within the boundaries of lands under the jurisdiction of*  
7   *that Indian tribe, including the incidental use of that*  
8   *vehicle on highways within those boundaries.*  
9   SEC. 2. *Section 9104.5 is added to the Vehicle Code,*  
10 *to read:*

9104.5. *The fees specified in this code, except fees for registration under Section 9250, need not be paid for any vehicle of a type subject to registration under this code if the vehicle is owned by a federally recognized Indian tribe and the vehicle is used exclusively within the boundaries of lands under the jurisdiction of that Indian tribe, including the incidental use of that vehicle on highways within those boundaries.*

SEC. 3. Section 35401.7 is added to the Vehicle Code, to read:

35401.7. (a) The limitations of access specified in subdivision (d) of Section 35401.5 do not apply to licensed carriers of livestock when those carriers are directly enroute to or from a point of loading or unloading of livestock on those portions of State Highway Route 101 located in the Counties of Del Norte, Humboldt, and Mendocino from its junction with State Highway Route 1 near Leggett north to the Oregon border, if the travel is necessary and incidental to the shipment of the livestock.

(b) The exemption allowed under this section does not apply unless all of the following conditions are met:

(1) The length of the truck tractor, in combination with the semitrailer used to transport the livestock, does not exceed a total of 70 feet.

(2) The distance from the kingpin to the rearmost axle of the semitrailer does not exceed 40 feet.

(c) The exemption allowed under this section does not apply to travel conducted on the day prior to, or on the day of, any federally recognized holiday.

(d) The Department of the California Highway Patrol, in consultation with the Department of Transportation, shall conduct a study of the effect that the exemption provided under this section has on public safety. Notwithstanding Section 7550.5 of the Government Code, the findings of the study shall be reported to the Legislature on or before July 1, 2001.

(e) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a

1 later enacted statute, that is enacted before January 1,  
2 2002, deletes or extends that date.

3 ~~SEC. 2. Section 36011.5 is added to the Vehicle Code,~~  
4 ~~to read:~~

5 ~~36011.5. A “stack retriever” is a two-axle motor~~  
6 ~~vehicle that is specially designed and has permanently~~  
7 ~~mounted equipment for the sole purpose of retrieving~~  
8 ~~and transporting hay or straw from one site to another~~  
9 ~~site.~~

10 ~~SEC. 3. Section 36101 of the Vehicle Code is amended~~  
11 ~~to read:~~

12 ~~36101. The following farm vehicles are exempt from~~  
13 ~~registration, if they have and display an identification~~  
14 ~~plate as specified in Section 5014, and the vehicles shall~~  
15 ~~not be deemed to be implements of husbandry and they~~  
16 ~~shall be subject to all equipment and device requirements~~  
17 ~~as if registered:~~

18 ~~(a) A motor vehicle of a size so as to require a permit~~  
19 ~~under Section 35780 owned and operated by a farmer,~~  
20 ~~designed and used exclusively for carrying, or returning~~  
21 ~~empty from carrying, feed and seed products of farming,~~  
22 ~~and used on a highway between one part of a farm to~~  
23 ~~another part of that farm or from one farm to another~~  
24 ~~farm.~~

25 ~~(b) A vehicle equipped with a water tank owned by a~~  
26 ~~farmer and used exclusively to service his or her own~~  
27 ~~implements of husbandry.~~

28 ~~(c) A water tank truck that is owned by a farmer, not~~  
29 ~~operated for compensation, and used extensively in the~~  
30 ~~conduct of agricultural operations, when used exclusively~~  
31 ~~(1) for sprinkling water on dirt roads providing access to~~  
32 ~~agricultural fields or (2) transportation of water for~~  
33 ~~irrigation of crops or trees.~~

34 ~~(d) (1) A cotton module mover, as defined in Section~~  
35 ~~36012.~~

36 ~~(2) In order to maintain the exemption from~~  
37 ~~registration granted under this subdivision for a truck~~  
38 ~~tractor, when combined with a semitrailer, the owner of~~  
39 ~~that truck tractor shall not operate it during the~~  
40 ~~exemption period in any manner other than as a cotton~~

~~module mover, as defined in Section 36012, and shall do all of the following:~~

~~(A) Register the vehicle with the department before operating it as a commercial motor vehicle.~~

~~(B) Apply to the department on a yearly basis for any renewal of the exemption from registration.~~

~~(3) Exemption from registration under this subdivision does not exempt a truck tractor, when combined with a semitrailer, operating as a cotton module mover pursuant to Section 36012 and this subdivision from the applicable safety requirements of this code or any regulation adopted pursuant to any statute, including, but not limited to, equipment standards, driver licensing requirements, maximum driving and on-duty hours provisions, log book requirements, drug and alcohol testing, maintenance of vehicles, and any driver or vehicle standards specified in Division 14.8 (commencing with Section 34500).~~

~~(4) Truck tractors exempt from registration under this subdivision are subject to the fees imposed under Sections 9250, 9250.8, and 9250.13, and to any other vehicle fees that are imposed by statute that are deposited in the Motor Vehicle Account.~~

~~(e) A trailer that is equipped with a plenum chamber for the drying of agricultural commodities.~~

~~(f) Except as provided in subdivision (j) of Section 36005, a trap wagon, as defined in Section 36016, that is equipped with a fuel tank or tanks. The fuel tank or tanks shall not exceed 3,000 gallons total capacity.~~

~~(g) A forklift truck, operated by a farmer not for compensation. For purposes of this section, a hay-squeeze shall be deemed a forklift.~~

~~(h) A truck tractor or truck tractor and semitrailer combination specified in this subdivision that is owned by a farmer and operated on the highways only incidental to a farming operation and not for compensation. This subdivision applies only to truck tractors with a manufacturer's gross vehicle weight rating over 10,000 pounds that are equipped with all-wheel drive and off-highway traction tires on all wheels, and only to~~

~~1 semitrailers used in combination with that truck tractor  
2 and exclusively in the production or harvesting of melons.  
3 The vehicles specified in this subdivision shall not be  
4 operated in excess of 25 miles per hour on the highways.~~

~~5 The Commissioner of the California Highway Patrol,  
6 by regulation, may prohibit the vehicles specified in this  
7 subdivision from operating on specific routes. These  
8 vehicles shall not be operated laden on the highway for  
9 more than two miles from the point of origin and shall not  
10 be operated for more than 30 miles unladen on the  
11 highway from the point of origin. These vehicles shall not  
12 be operated for more than 15 miles unladen on the  
13 highway from the point of origin, unless accompanied by  
14 an escort vehicle to the front, and an escort vehicle to the  
15 rear.~~

~~16 (i) A motor vehicle specifically designed for, and used  
17 exclusively in, an agricultural operation for purposes of  
18 carrying, or returning empty from carrying, silage that is  
19 operated by a farmer, an employee of the farmer, or a  
20 contracted employee of the farmer between one part of  
21 a farm to another part of that farm or from one farm to  
22 another farm, on a highway for a distance not to exceed  
23 20 miles from the point of origin of the trip. This  
24 subdivision does not include a vehicle that is used for the  
25 transportation of silage or hay for retail sales. For the  
26 purposes of this subdivision, "silage" includes field corn,  
27 sorghum, grass, legumes, cereals, or cereal mixes, either  
28 green or mature, converted into feed for livestock.~~

~~29 (j) (1) A stack retriever, as defined in Section 36011.5,  
30 and used exclusively in an agricultural operation for the  
31 purposes of carrying, or returning empty from carrying,  
32 hay or straw, that is operated by a farmer or an employee  
33 of the farmer, between one part of a farm to another part  
34 of that farm or from one farm to another farm owned,  
35 leased, or rented by that farmer, on a highway for a  
36 distance not to exceed 10 miles from point of origin of the  
37 trip.~~

~~38 (2) This subdivision does not include a vehicle that is  
39 used for transportation of hay or straw for wholesale or  
40 retail sale.~~

1     ~~(3) For the purposes of this subdivision, “hay or straw”~~  
2     ~~includes alfalfa, oats, vetch, sudan grass, or any~~  
3     ~~combination of these crops.~~

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